

Although the respondent and insurance carrier have attempted to frame the issue as one involving the change of an authorized physician, the Appeals Board finds the issue is one involving the appointment of an authorized physician when medical treatment is

necessary but not being provided by respondent. Therefore, the Appeals Board finds the Administrative Law Judge did not exceed his jurisdiction and authority in appointing Dr. Prostic as the authorized physician. When the parties reach preliminary hearing and the administrative law judge finds medical treatment is necessary, but the respondent is not at that time providing the needed treatment, the administrative law judge may authorize a specific physician under the provisions of K.S.A. 44-510(b). That statute provides that an injured worker may seek and provide medical services for himself at the cost of the respondent, when the respondent knows of the injury and those services are not being provided.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Preliminary Hearing Order entered by Administrative Law Judge Alvin E. Witwer on March 30, 1995 is affirmed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of July, 1995.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

c: John J. Bryan, Topeka, Kansas  
Anton C. Andersen, Kansas City, Kansas  
Alvin E. Witwer, Administrative Law Judge  
David Schufelt, Acting Director